

Remarks

Claims 1-32 have been cancelled and new claims 33-41 are submitted herewith which are deemed to more clearly define the invention and distinguish the same over the several references of record. Favorable consideration of such newly submitted claims respectfully is requested in view of the following comments.

Newly submitted claim 33 provides for a frame having an opening through a centerline thereof; a set blades circumferentially spaced relative to the centerline, each having a first end projecting beyond a first side of the frame, a second end section projecting beyond a second side opposite the first side of the frame and an intermediate section pivotally connected to the frame for pivotal movement relative to the frame in a plane including the centerline; means operatively interconnecting the blades and the frame for biasing the first ends of the blades together into an abutting relation; and means mounted on the frame and operatively engageable with the blades for biasingly restraining the pivotal movement of such blades. In such a structure, with the first end sections of the blades biased together, the engaging first end sections of the blades may be inserted into the cavity with the frame disposed in the exterior thereof, the second end sections may be drawn together against the biasing action of the first mentioned biasing means to cause a separation of the first end sections of the blades and thus dilate the cavity to permit visual access to the cavity through the frame, with the restraining means biasingly maintaining the first

end sections of the blades apart, and upon completion of any procedure with which the instrument is used, the restraining means may be overcome to cause the first end sections of the blades to pivot into engagement with one another to permit such first end sections of the blades to be withdrawn from the cavity. It is submitted that none of the cited references of record either disclose or teach such a structure or method of use.

With respect to the device disclosed in Zhu et al, it is to be noted that although blades 72, 76 and 74 are pivotally connected to frame 70, each of such blades does not include a first end section projecting beyond a first side of such frame and a second end section projecting beyond a second side opposite the first side of such frame; there is not provided any means mounted on such frame and operatively engageable with such blades for biasingly restraining the pivotal movement of the blades; and such a device is not functional in use in inserting only first end portions of the blades into a cavity to be dilated while maintaining the frame supporting such blades in the exterior of such cavity. The claimed structure permits a user simply to manually grip the second end sections and insert the retracted first end sections of the blades into the cavity, manually draw the second end sections of the blades together to expand the first end portions of the blades to dilate the cavity, visually inspect the dilated cavity through the frame of the device and possibly conduct a treatment with instruments extending through the opening of the frame,

manually pivoting the second end sections of the blades apart to retract the first end sections thereof and then manually remove the retracted first end sections of the blades from the cavity.

With respect to the Karlin et al patent, it is to be noted that the device disclosed therein does not provide a set of blades wherein each of such blades includes an intermediate end section pivotally connected to a frame for pivotal movement relative to such frame in a plane including the centerline of the frame. Instead, each of the blades thereof pivot with a portion of the frame to which it is connected. In addition, such a device does not provide any means operatively interconnecting any of the blades and a portion of the frame for biasing any first end sections of the blades together into abutting relationship as recited in the claims. Such blades may be merely manually manipulated into retracted and expanded positions.

With respect to the device disclosed in the Charters patent, it is to be noted that although such a device includes a frame 31 and a set of blades extended through an opening in such frame, it lacks a set of blades each provided with an intermediate section pivotally connected to such a frame for pivotal movement relative to such frame in a plane including a centerline of the frame; means operatively interconnecting such blades and such frame for biasing first ends of the blades together into abutting relation; and means mounted on such a frame

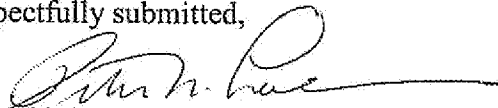
operatively engageable with such blades for biasingly restraining the pivotal movement of the blades relative to such frame. Retaining means 13 consisting of a resiliently flexible band 15 does not constitute means operatively interconnecting the blades 11 and frame 31 for biasing the first ends of the blades together into abutting relation but simply a means independent of frame 31 for biasing the ends of the blades together, and device 50 does not constitute means mounted on frame 31 and operatively engageable with the blades for biasingly restraining the pivotal movement of the blades but simply a device for expanding the blades through the use of a set of cables.

In addition to the above, none of such cited references discloses or teaches the outer surfaces of first end sections of the blades thereof being provided with contoured surfaces, which merge and cooperate when such first end sections engage to provide an elongated object with smooth surfaces facilitating the insertion and removal of the engaged first end sections into and out of a cavity, as cited in claim 34, each of the end sections of each of the blades being disposed at an angle relative to the intermediate section thereof as recited in claim 33, the means for biasing the first ends of the blades together into abutting relation comprising a set of springs each interconnecting a blade and a frame as recited in claim 36, any means for biasingly restraining the pivotal movement of the blades comprising a set of blocks each supported on a frame and having a spring mounted on the frame and

acting thereon to bias the block into engagement with a surface of a blade, as recited in claim 37, a block as provided in claim 37 having a surface provided with a nonplanar configuration restraining displacement of an engaging blade relative to such a block, as recited in claim 38, a frame comprising a unitary member having a polygonal configuration, as recited in claim 40 or a second end section of each of the blades being pivotally connected to an outer portion of a frame, the intermediate section thereof extending to one side of the frame and into the opening thereof and the first end section thereof extending along the centerline, when the first end sections are disposed in an abutting relation, as recited in claim 41.

In view of the foregoing, it respectfully is requested that newly submitted claims 33-41 be allowed and further that the application be passed to issue.

Respectfully submitted,



Peter N. Lalos

Registration No. 19,789

PNL/mms
Attorney Docket No.: 8369.017.US0000

NOVAK DRUCE & QUIGG LLP
1300 Eye Street, NW
1000 West Tower
Washington, D.C. 20005
Telephone: (202) 659-0100
Facsimile: (202) 659-0105

Date: September 24, 2008